THE

WEEKLY ENTERTAINER.

For MONDAY, September 20, 1802.

MEMOIRS *of* SIR WILLIAM DESSE.

(Concluded from Page 184.*)*

IT was in vain that the defendant declared ſhe had debarred herſelf from the right of arreſting him. The inſtrument he had not with him; it was ſomewhere in London, or at his father's cottage, or left with the attorney concerned for him, and indeed was not eaſily diſcoverable. Under this embarraſſment he was hurried away from his family (for he had then with him two other ſmall children, and their mother,) from Bath to Ilcheſter, where, though the deed of compromiſe ſubſcribed by the identical hand of the plaintiff, was ere long found and tranſmitted to him, he actually languiſhed near nine months, and through a very ſevere winter. Liberated at length by the obvious impoſſibility of the plaintiff's purſuing her action, he talked loudly of puniſhing the author of his unjuſt confinement, and indeed intereſted in his cauſe many reſpectable characters in this city: and it is pretty certain that almoſt any perſon, except of the deſcription and in the circumſtances of Sir William Deſſe, would have found ample recompence from an appeal to the laws of his country. But the true reaſon of his not ſeeking this retribution was, I believe, a fear of awakening the notice of various other claimants throughout the country, who might have iſſued too well founded and inevitable warrants of detention againſt him. He therefore thought it preferable to pocket the injury, as well as the various ſums that were from time to time collected by advertiſements in the papers, for the relief of "a gentleman in diſtreſs, and titled indigence, with a ſmall family."

The other important adventure to which I have alluded, was likewiſe of a matrimonial nature, and though intrinſically of a

ſerious caſt, is intermixed ſo much with the ludicrous, that I think I ſhall be pardoned for detailing it ſomewhat more at length than the former. Five or ſix years ago, harraſſed as uſual by the importunities of his creditors in and about town, and finding it impoſſible to ſubſiſt there any longer, at liberty, he formed the reſolution of retiring to Wales with a view of earning a ſubſiſtence in ſome petty line of life, to which his abilities or verſatile genius might direct him. He had not long made good his eſtabliſhment in a village near Swanſea, when he became acquainted at that place of polite reſort with the widow of a Briſtol tradeſman, who came there for any other purpoſe than to pick up a huſband. The lady, whatever might have been the pious ſtrength of her former reſolutions, was nothing loth. Sir William de Nicholas, as—aſſuming his mother's family name—he thought proper to ſtyle himſelf, diſplayed himſelf as a man of faſhion, who chanced to be there in a private way, with his niece and her two children; he was much ſtruck with her appearance (for ſhe was really a ſmart woman) and underſtood her—certainly not from her own inſinuations—to poſſeſs a handſome independent fortune.

In a very few weeks, the title on one ſide, and the fortune on the other, produced a reciprocal operation, and Mrs. S. became Lady de Nicholas. But ſhort lived was her glory. Returned to Briſtol, inſtead of being met by the congratulations of friends on his ſide, or on her's hailed on her advancement to rank and fortune, a gloom and diſtruſt pervaded the countenances of all her acquaintance, and her ears were viſited by many unpleaſant rumours. By this time, too, the bridegroom began to perceive the dilemma into which he had fallen; and never perhaps was the *ruſe contre ruſe* more directly applicable on both ſides. Thus circumſtanced, it may be ſuppoſed that each party entered on a ſtate of ſecret repentance, and would not have been at all reluctant if the indiſſoluble knot had never been tied, if the day had never arrived when they firſt ſaw each other, if the parſon that united them had been drowned in the midſt of the Welch channel, and many other pious ſentiments of the ſame kind, equally natural and frequent on ſuch occaſions. But the dye was caſt, and now nothing remained but to withdraw from each other's ſociety as ſpeedily, as coolly, and as eaſily as poſſible. This was no matter of great difficulty to Sir William, who had been in the habit during the greateſt part of his life of decamping *a la ſourdire*, and who, on this occaſion, reſorted to it with extraordinary promptitude and diſpatch. Accordingly, having caſually borrowed of his tender wife all the looſe caſh ſhe could muſter, and which ſhe (of courſe ſuſpecting not his intentions) gladly gave him, he took a ſudden leave of Briſtol, but none of her ladyſhip—for the formality of an adieu would have been too affecting on both ſides—and eſtabliſhed his next poſition in this city.

city. Here he continued to vegetate, to ſubſiſt, to contrive, and to ſtruggle, till the unfortunate event of his arreſt above related, transferred him to Ilcheſter; after which he returned hither for a few months, was again ſupported by humane ſubſcriptions as an oppreſſed man, and afterwards made a tour through the weſt of England, in quality of a medical practitioner, botaniſt, artificial floriſt, &c.—together with his little houſhold, his niece and her two children, and made ſhift to pick up a comfortable ſubſiſtence.

Meanwhile, the rage, the ſhame, the vexation, and diſappointment of Lady de Nicholas, thus precluded from every expected benefit of a ſecond marriage, and every hope derived from youth and beauty (for ſhe could not be more than forty) utterly extinguiſhed, can with difficulty be imagined. She applied to the late biſhop of Bath and Wells, (an excellent canoniſt and caſuiſt) to the archbiſhop of Canterbury, to Sir William Scott, &c. &c. ſtating her unfortunate caſe, and inquiring on two grounds whether her marriage might not be diſſolved. The firſt was indeed a frivolous one: It alledged that Sir William had for ſeveral years, nay at the moment of his courtſhip, cohabited with another woman, and had children by her, which woman was, previouſly to her appearance at Swanſea, conſtantly recognized as Lady Deſſe. But as the appellant could never get at any proof nor certificate of the marriage, which in fact had no exiſtence, none of her counſel, eccleſiaſtical or civil, could give her any encouragement on that ſcore.

Her next ground was apparently ſtrange, but it likewiſe failed her: In the marriage regiſter, which recorded the ſolemnization of this ill-omened union, the bridegroom had, in accordance with the title under which he appeared during his courtſhip, written his name, "William de Nicholas" to which appellation he had juſt as much right as to any other that he might have thought proper to ſelect from amongſt the infinite number belonging to his majeſty's loving ſubjects. This was a circumſtance too favourable to her cauſe not to be triumphantly diſplayed before her auguſt and diſtinguiſhed counſellors. It was even ſurmiſed and hoped that the adventurous knight had involved himſelf in ſome criminal matter by this ſignature of a falſe name, on ſo ſolemn an occaſion, and in a public regiſter, and even that if he were not puniſhable, the law would hold a marriage contracted under ſuch circumſtances, to be eſſentially invalid. But comforted and encouraged, as no doubt the lady was by the firſt appearance of the caſe, and by the opinion of her private friends and acquaintance, the ſentiments of her learned counſel by no means confirmed it; for they concurred in the fatal declaration that the appellant muſt to the end of her life continue Lady Deſſe, unleſs the demiſe of her huſband, and the laws of the realm ſhould enable her to reſign that ſtyle and title. As to puniſhment of the

bridegroom, ſince none followed, it is to be preſumed that none could be inflicted: for it may be concluded from the indignation and vigilance of herſelf and family, that no expedient was left untried which might either baniſh him legally from ſociety, or induce him *ex terrore* wilfully to abſcond.

We now come to the laſt ſcene of the ſtrange eventful hiſtory of this unfortunate man. How long he continued wandering in the weſt, or what induced him to return to the metropolis, I am wholly ignorant, and know only that in the beginning of laſt winter, he paid the debt of nature in the work-houſe of the pariſh of Clerkenwell, a ſtriking inſtance of variegated fortune, and of human viciſſitude.

I am, Sir, your humble ſervant,

INDIGENA PEREGRINUS.

Bath, July 28, 1802.

In the Town and Country Magazine for the Year 1771, *we find the following Anecdote reſpecting the knighting of Sir William Deſſe recorded:—*

"At the inſtallation of the knights of the garter, after the firſt courſe, Mr. Deſſe, clerk of the cheque belonging to the gentlemen penſioners, was knighted at the royal table; after the duke of St. Albans, and ſeveral other noblemen had in vain tugged for near a quarter of an hour to draw the ſword of ſtate, the expectant knight remaining all the time upon his knees, which made a punſter preſent ſay, "This muſt be a great cheque upon his firſt onſet in chivalry." At length, however, the ſword of Lord Cadogan performed the deed, and relieved the palpitating, almoſt fainting knight, from his inexpreſſible perplexity."

THE TRIAL: A TALE.

(*Concluded from Page* 205.)

HER father came, a few days after this, at full gallop into the court of the caſtle. His looks, when he entered the ſaloon, were expreſſive of the deepeſt uneaſineſs and vexation: "Father! what is the matter?" ſaid Emma.—"I am put to the ban of the empire!" cried the proud lord of Hardenberg, in a tone of fury.

He had taken part in a conſpiracy againſt the power of the emperor. That conſpiracy was detected before its authors could carry it into execution. The chiefs, being princes of great power, eaſily eſcaped the ill conſequences of this fruſtrated treaſon; but the emperor determined to wreak his vengeance on the inferior barons who had taken part with them.

"Sir

" Sir George," ſaid the baron, " troops are already on their march to put the ban in execution againſt me. I am going to aſſemble my vaſſals. Baron Von Rothenberg comes to my aſſiſtance. You love my daughter. Receive her hand in marriage (at theſe words Emma turned pale), and give me the aid of your own arm, and that of the armed followers whom you can muſter?"

Von Wallſdorff ſtammered out ſomething about his friends at court, and poſſibility of pacifying the emperor through their mediation. Mr. Von Hardenberg ſaid, that he ſhould be glad of ſuch interpoſition in his behalf. " But, in the mean time," continued he " the imperial banners advance: we muſt defend ourſelves till our peace can be made: you will not refuſe me your immediate aſſiſtance?"—Sir George replied, that if he ſhould take part in the rebellion, this might hurt the influence of his friends with the emperor; and Mr. Von Hardenberg's pardon would become ſo much the more hopeleſs.—" That, alſo, may be," ſaid Von Hardenberg, " retire you then to your own eſtates; I can eaſily defend myſelf, here, without your aid: but my caſtle will, for the preſent, be no convenient reſidence for females. You love Emma. My chaplain will, this day, join your hands. To-morrow, let her accompany you home." Von Wallſdorff replied, that marriage with the daughter of a nobleman under the ban of the empire would infallibly ſubject him to the emperor's reſentment: and that, however deſirous of the felicity of being the huſband of Emma, he could not think of ruining himſelf by an indiſcreet marriage with her; which would both deſtroy his own intereſt for himſelf at court, and at the ſame time render him unable to ſerve Mr. Von Hardenberg there. " The court! the favour of the emperor!" cried the baron, in a rage. " Holla! there! Saddle Mr. Von Wallſdorff's horſes! Farewell, Sir courtier! Make my reſpects to your friends at court; but let me never more find you within a league's diſtance of this caſtle: otherwiſe you ſhall feel that the ban of the empire has not unnerved the force of this arm!"

" The emperor will avenge me of your ingratitude," ſaid Sir George, with haughty irony. " I ſaved your daughter's life; and you diſmiſs me with inſult: but I ſcorn your threats. Fare you well! Von Hardenberg!" So ſaying, he left them, with an air of proud ſcorn; mounted his horſe; and rode away.

" What can this mean?" ſaid Emma, as ſoon as ſhe found herſelf alone. " Is this his love? He could, without heſitation, expoſe his own life to ſave mine. Yet, now, he even refuſes my hand for fear of endangering his intereſt at court—an intereſt not indiſpenſably neceſſary to his welfare—by the alliance! Did he then not truly love me? Or, would Lewis have acted otherwiſe?"—She was now abſorbed in a reverie, from which the

the din of the preparations for defence could ſcarcely rouſe her.

The baron of Hardenberg's vaſſals aſſembled to defend their lord. Stores of proviſions were laid in. The halls and other apartments of the caſtle were filled with men in arms. The fortifications were repaired. The fortreſs, and all around it, aſſumed every day more and more of a military appearance.

One morning came a troop of fifty men on horſeback, with waving banners. A trumpeter from the drawbridge requeſted admittance on their behalf to the caſtle. He was conducted to Emma's father, who happened to be with his daughter. "Sir Lewis D'Eichenlohe," ſaid the trumpeter, "learning that Baron Von Hardenberg's ſafety is in danger, ſends theſe fifty warriors to his aid; and would himſelf come, if he did not fear that his preſence might be diſagreeable to the baron's daughter.

"Diſagreeable!" cried Emma, with animation; then ſuddenly ſtopping, ſhe turned away her head, while her countenance was ſuffuſed with a deep bluſh. "Your company is welcome!" cried the baron; "and we will receive Sir Lewis with the greateſt pleaſure." The drawbridge was again let down. The troop of auxiliaries was admitted: and with this ſeaſonable aid, Mr. Von Hardenberg found himſelf in a condition to await the approach of the troops who were to execute the imperial ban, with much leſs ſolicitude for the event. Three days after this, came Sir Lewis himſelf, with a ſecond troop of fifty men. Emma was too much affected to appear. The imperial troops ſoon after beſieged the caſtle; and gave full employment to the activity of the knights within.

If all the defendants had fought with the intrepidity of Sir Lewis and Mr. Von Hardenberg, not an individual of the enemy would have ſurvived the firſt ſally which the beſieged made upon them. They were diſperſed; but they afterward rallied; and were reinforced with a conſiderable number of auxiliary ſoldiers from the imperial cities. At the ſame time appeared an imperial reſcript, declaring all thoſe to be guilty of treaſon againſt the emperor who ſhould have joined Baron Von Hardenberg, to reſiſt the execution of the decree againſt him, and ſhould not, upon this notice, retire with their vaſſals. This meaſure produced immediately the expected effect. Rothenberg, the baron's moſt intimate friend, retired with all his followers, from the caſtle.

Yet Lewis ſtill remained, and remained at the riſk of ſeeing his lands laid waſte, and himſelf put to the ban of the empire. Baron Von Hardenberg was, in conſequence of a wound, confined to his bed. D'Eichenlohe alone inſpired the garriſon with his own courage, and directed all the requiſite meaſures of defence. A meſſenger came with a formal ſummons to Lewis to abandon the caſtle of Hardenberg, on pain of ſeeing his own

laid in ruins. "Though it ſhould be burnt to the ground," cried he, "this fortreſs I will not abandon."—In the evening, the diſtant ſky was reddened to the ſight by the flames of the caſtle of Eichenlohe. Lewis, from the windows of the caſtle of Hardenberg, beheld the conflagration of his own caſtle and villages. A tear ſtole down his cheeks; but he uttered not a word.

"Take a hundred of our warriors, and cut in pieces thoſe miſcreant incendiaries." ſaid the baron. Lewis, ſtarted up to go: but his eyes turned upon Emma: ſhe was oppreſſed with ſorrow: "No," ſaid he, "I cannot, for a moment, leave this ſpot: let them complete the miſchief.

Baron Von Hardenberg had at the imperial court moſt powerful enemies, who had determined to conſummate his ruin. New troops marched againſt him, with an order ſigned by the emperor, to put him to death, if he ſhould be taken alive. The caſtle was now cloſely inveſted. The commander of the troops ſurrounding it once more made offer to Sir Lewis of a pardon from the emperor, and the reſtitution of his property, if he would but abandon Hardenberg. The baron himſelf preſſed his gallant and generous ally to accept theſe conditions. Lewis looked on Emma.—"No! I will live or die with you!"—Emma felt, amid her diſtreſs, a delight to hear thoſe words from his lips. Her eyes met thoſe of her lover, with an expreſſion of tenderneſs which more than compenſated for all the ſacrifices he had made. "What!" ſaid ſhe, "George riſked his life for me; yet refuſed my proffered hand. Lewis would have left me to die; and yet he truly loves me.

At laſt, the beſieged remained without ammunition or proviſions; and further reſiſtance was impoſſible. Baron Von Hardenberg prepared to eſcape ſecretly. But he wiſhed Lewis to ſtay behind, and ſtill ſecure his own pardon, by delivering up the caſtle.—"No! I will not quit you; I will attend your flight." They paſſed with lights through the ſecret apartments which Lewis had formerly explored. Emma ſtopping by the tomb of her great-grandmother, exclaimed, "O Lewis! thy fidelity to us"——ſhe paufed—"has made amends for all," were the words which ſhe had almoſt added. Lewis threw himſelf at her feet, and ſaid, "Ah! that is little in compariſon with three days ſuffering which I underwent on your account, and which this ſcene recalls to my remembrance!"

As they iſſued out by the extremity of the ſubterraneous paſſage, they found a party of the enemy waiting in ambuſh to intercept them. "Here, Sir Lewis," ſaid the commander, "is your pardon, ſigned by the emperor: Von Hardenberg and his daughter are our priſoners." I ſcorn your pardon," cried Lewis, tearing the paper, "ſince they are not included in it."—"Take thy death, then, traitor!" ſaid the captain, aſſailing him. Lewis

parrying

parrying the thruſts, quickly laid him dead at his feet. With headlong furv, he next attacked the followers, who came on to avenge their leader's fall. At laſt he prevailed; and thoſe who had not fallen by his arm, took to flight.

The fugitives were now on the brink of the Rhine. The boat was ready to convey them acroſs. That evening they were in ſafety beyond the reach of the emperor's power.—"Yes!" ſaid Emma, "life, fame, fortune, honours!—he loves me more than them all!" She was impatient to give him her hand: and he now thought all his ſufferings to be more than repaid.—Within a few months, ſome powerful friends made the peace of both Von Hardenberg and D'Eichenlohe with the emperor. They were reſtored to their domains: and the ſubſequent lives of Lewis and Emma were one long train of conjugal felicity.

INTERESTING TRIAL.

The KING againſt FITZE and Others.

IT may perhaps be within the recollection of ſome of our readers, that, about twelve months ſince, ſome ſtrong animadverſions were paſſed by the court of King's Bench, on an affidavit made by the mayor, one of the aldermen, and ſeven other gentlemen of the borough of Liſkeard, in the county of Cornwall, in favour of one Jacob Crabb, who, in Eaſter Term, 1801, was held up to receive the judgment of the court for having obſtructed an officer of the exciſe in the execution of his duty, and to whom, notwithſtanding he had been before convicted of a ſimilar offence, and had ſuffered twelve months impriſonment in Newgate, theſe gentlemen had given the character of a civil, induſtrious, ſober, honeſt, and humane man.

An information was filed by the preſent lord chief juſtice, then acting as attorney-general, againſt Mr. James Fitze, Mr. John Borrow, and Mr. Joſeph Adams, three out of the nine gentlemen, who joined in this affidavit, charging them with a conſpiracy to impoſe on the court, and with having made this affidavit, knowing it to be falſe.

This cauſe, which from its involving in it queſtions of the greateſt importance had excited the expectation and concern of the public, came on to be tried before Sir Robert Graham, Knt. and a ſpecial jury, at the aſſizes at Bodmin, on Wedneſday the 18th of Auguſt, 1802. The caſe was opened on behalf of the crown by Mr. Dallas, who in a moſt pointed, but at the ſame time in a moſt liberal manner, ſet forth the nature of the charge againſt the defendants, and went into evidence to prove Crabb's being ſentenced to twelve months impriſonment for his firſt offence; that the defendants had joined in the affidavit, and that they had

been previouſly acquainted with Crabb's former conviction and puniſhment.

Here the caſe was reſted on behalf of the crown: and Mr. Erſkine, with the eyes of the whole court attentively fixed upon him, roſe in the moſt ſolemn and impreſſive manner, to make his defence.

For the gratification of the public on an occaſion, in which, in the true character of an Engliſhman, every one muſt feel himſelf deeply intereſted for himſelf and for his children, and in vindication of their own conduct, it was the wiſh of the defendants to publiſh an account of their trial, and for that purpoſe they endeavoured, but in vain, to procure a ſhort-hand writer. They have however obliged us with what follows, as the ſubſtance of that noble advocate's moſt able and eloquent oration on this grand affair, as they have it from the memory of a gentleman preſent; imperfect therefore as it may be well ſuppoſed, and by no means conveying an adequate conception of the ſurpriſing powers of argument and utterance, with which that defence was pleaded. But this ſummary account of it reminds us notwithſtanding of that ſaying of Æſchines to the Rhodians, charmed by his recital of an oration of Demoſthenes, "What, if ye had heard Demoſthenes himſelf!"

Having declared his grief and aſtoniſhment at the inſtitution of ſuch a proſecution in England, Mr. Erſkine expreſſed his love and veneration for the very excellent and juſtly exalted character of Lord Ellenborough, now lord chief juſtice of the King's Bench, by whom, when attorney-general, this information was filed. To that noble lord's immortal honour, he intimated his lordſhips ſentiments and late declaration regarding the penal code of this kingdom, "that he truſted he ſhould never ſee it more enlarged." He detailed the great and manifold powers of the crown in the proſecution of penal juſtice: not that theſe prerogatives were too great, or too many, or in any inſtance grudged by Mr. Erſkine: "only we muſt take care of ourſelves too," ſaid he, that they be duly counterpoiſed by fair and competent rights on the ſubject's ſide: one of which, a principal and a glorious one, was the trial by jury, a treaſure of ineſtimable price, never to be too ſacredly guarded, nor could any encroachments on it be at any time too watchfully, too jealouſly obſerved. On which he ſolemnly adjured the jury preſent to impreſs themſelves with a ſerious conſideration of the duties they were now to diſcharge to God and their country. The caſe they were to determine on between the crown and the ſubject was new, was perfectly unexampled in England, and involved in it queſtions of conſideration moſt awful, and of unſpeakable importance to the civil, ſocial, and religious liberties, not barely of the gentlemen who had moſt rightfully exerciſed thoſe liberties, and had called him to the poſt of defending them,

but of themſelves, of this whole nation, of children yet unborn. For they were queſtions, that ultimately affected, What? Even the free and honourable exerciſe of Chriſtian charity. Such as,

Whether, ſince moral worth is not an object of the bodily ſenſes, and its eſtimate can be therefore but matter of judgment, to err in judgment on ſuch matters muſt needs be criminal?

Whether ſo to err, in atteſtation upon oath, muſt be conſtrued into the horrid guilt of conſpiracy and perjury againſt executive juſtice?

Whether to offend in one inſtance or more, and that by an act, not evil in itſelf, but made ſo only by a temporary prohibition of human policy, muſt be conſidered henceforth as enough wholly to deprave the mind of man, ſo as entirely to efface from it the image of the Creator, and preclude all poſſibility of amendment?

Whether, though a man may be convicted of ſuch offence once and again in a court of juſtice, his reputation in the world muſt be altogether blaſted, all his paſt and preſent proprieties of conduct be forgotten, and no one dare take them into the conſiſtence of his general character?

Whether, as theſe queſtions were now to be determined, Engliſhmen might or might not be free, honeſtly, and in their beſt judgments, to act their charitable opinions of one another in whatever circumſtance, and to declare thoſe opinions, when called upon, without the terror of a proſecution like the preſent?

Such were the points involved in this day's trial; and therefore it was with ſorrow and ſurpriſe, that he had met the day when points like theſe were to be argued in a court of Engliſh judicature. Speaking to them, he maintained it to be utterly impoſſible, that men ſhould be always correct and accurate, much leſs uniform, in their ſentiments of matters, ſuch as moral characters, which were objects, not of ſenſe, but judgment: and that therefore in appreciating moral characters, even in the moſt ſolemn atteſtations upon oath, we might err, eſpecially on the charitable ſide, without the leaſt commiſſion or intention of guilt. God forbid then, that for an error of this nature a man ſhould be viſited with the vengeance of the law, as a perjured perſon, and a conſpirator: that he might be ſo was a new-fangled doctrine, never heard of before in England, a metaphyſical fetch, ſo metaphyſical, that no fetch of argument, however metaphyſical, or logical, or philoſophical, or political, or legal, could ever reach it. It was, he would repeat it, a new fangled doctrine, of a ſtrain ſo ſingularly metaphyſical, that he could neither comprehend it, nor conſent to it, a doctrine, againſt which he would ever enter his moſt ſolemn proteſt; and to prove it happily there were

were not now to be found in this country (to whatever country they had gone), metaphyſicians, logicians, philoſophers, or politicians ſo ſagacious; and therefore his clients had been contented to call down a hum-drum lawyer to expoſe and deprecate it; and proud he felt himſelf of the office they had placed him in.

His own poſition, the doctrine of our juſt and merciful laws, (the juſtice and humanity of which, he ſaid, would more than recompence the load of taxes we lie under, and therefore we may chearfully endure that neceſſity, he elucidated by various illuſtrations and examples, both of argument and practice; To ſhew that though the verdicts of juries, and judgments of courts of law were to direct and regulate a man's practice, they were not, could not be made binding on his conſcience or judgment. To the free exerciſe of which he was entitled, even in oppoſition to the moſt ſolemn deciſions of the legiſlature; and to ſhew that though a man might ſwear erroneouſly on a matter of judgment, it does not neceſſarily follow either in law or reaſon, that he is perjured. As, ſhould a man ſwear, that at a certain time and place, he was but two leagues off at ſea, when by one more ſkilled in diſtances it was proved he was three leagues off, ſurely you would not condemn that man for perjury, when it might be but a moſt innocent miſtake of judgment. But ſhould the ſame man ſwear, that at a given time and place at ſea the land was not viſible to him where he ſtood upon the deck, whereas to twenty men then upon the ſame deck the cliffs of England were clearly ſeen; this is an object of ſenſe, concerning which the error of his depoſition muſt be wilful; and this indeed is perjury.

To ſhew farther the humanity of the Engliſh law, and the mild rather than harſh conſtruction ſhe would put on men's actions, he obſerved even as to teſtimony concerning objects of ſenſe, a man might err, and not incur her cenſure. For that for a depoſition falſe in itſelf, but of which the error might be caſual, and yet ſo palpable, that any one might detect it, and therefore no one in his ſenſes would wilfully adventure on it, a man ſhall not be indictable for perjury. A perſon had ſworn in chancery that a wall was no more than five feet ſix inches high, and he had an intereſt in its being no more: but it proved on being meaſured to be ſix feet ten inches high: the man was indicted for perjury before the venerable Lord Mansfield: but Lord Mansfield threw the indictment from him, and would not ſo much as hear the man impleaded; becauſe the man muſt be aware, that any one with a foot rule might convict him of ſo groſs a falſehood, if he deſigned it; and therefore it was not to be believed that he did deſign it. Shall we then be harraſſed with proſecutions, be condemned as perjured perſons, as conſpirators, be pillored, be incapacitated to give evidence in courts of juſtice, in behalf perhaps

haps of the property, the reputation, the very life of our neareſt relative, becauſe in a matter of obſtruſeſt judgment, in eſtimating the moral excellence of our neighbours, we err; and that on the kinder ſide? For ſuppoſe Jacob Crabb to have in him none, not a ſpark, of thoſe diſpoſitions, which the defendants have aſcribed to him; they may be deceived; they may honeſtly believe he has. Or if they believe otherwiſe, certainly this muſt be proved; and it muſt be proved too, not only that they ſeverally knew he was not the man they have deſcribed him; but that they malicioufly combined and agreed together to impoſe that lie upon the court, before the law will convict them of perjury, of a conſpiracy to blind the eyes of the court, and of a fooliſh and ridiculous attempt to annihilate in the knowledge of the court a circumſtance, Crabb's former conviction of ſmuggling and obſtructing the officer, which the court could not but be acquainted with by its own record, and which the evidence for the crown in this trial had now proved (and it was all they had proved), that the three defendants were all particularly apprehenſive the court in paſſing judgment on Crabb's ſecond offence would have in conſideration; and ſo far were they from wiſhing to conceal theſe their apprehenſions or their knowledge of Crabb's former conviction and puniſhment, that it appeared they had expreſsly declared them to the two exciſe officers who were the only witneſſes called forward to prove their intention and conſpiracy to conceal that, which they had thus as it were publicly proclaimed to the world.

But there was no evidence whatever, none that ſo much as pretended to ſhew, either that the defendants in their affidavits were conſcious at the time of miſrepreſenting Crabb's character, much leſs that they had ſo agreed and conſpired together with a view to deceive the court, or even that Crabb was not the man they had deſcribed him. On the contrary, that he actually did ſtand fair in the general eſteem of his neighbours, both within and without the town of Liſkeard, there was the fulleſt and moſt honourable evidence, beſides that of theſe defendants, in that the ſame Jacob Crabb, on the ſame occaſion, not only had the very ſame teſtimony, at the ſame time, and in the ſame ſolemn manner, given into the court for him by ſix other reſpectable perſons; of whom one was then the mayor of Liſkeard, another an alderman, and father to one of the defendants (however it ſhould or could come to paſs that theſe defendants ſhould be made more amenable than the others, than the mayor himſelf, the ſon than the father, and as it ſeemed, one brother more than another, for the ſame act under like circumſtances, or however it ſhould come to paſs that the names of theſe ſix perſons, though they ſtood recorded in the ſame affidavit, ſhould be unknown to the attorney general, as it was ſtated in the information that they were); but more, the ſame Jacob Crabb had been,

year

year after year, ſince his firſt conviction, and once ſince his laſt offence, licenſed to keep an inn in Liſkeard, and licenſed, thus deliberately as repeatedly, ſince his firſt conviction, not only by ſucceſſive mayors of Liſkeard, but by the Right Hon. Lord Elliot, though his lordſhip lives ſix (nine) miles from the town, and cannot ſurely be ſuppoſed ignorant of the general character of the man, on his knowledge of which he would intruſt him with a licenſe of that nature, notwithſtanding that conviction: And God forbid, that that conviction, known or not known, ſhould be enough to condemn him altogether: For if ſuch be the caſe with us, if the human mind, if a fellow creature, muſt be ſo haſtily condemned, and abhorred by us, as completely and irreclaimably vitiated, for only two offences againſt human ordinances, offences not of the deepeſt die (great and very reprehenſible as Mr. Erſkine held that offence of ſmuggling to be), God have mercy upon us all! or rather, who might look up for mercy to Him! But the great and gracious God did not ſo deal with us. He remembers whereof we are made. He pities the frail and jarring elements of our nature: for ſo frail and jarring with itſelf our conſtitution is, "ſo fearfully and wonderfully are we made," that the very beſt of men are liable to, and have been betrayed into, lapſes of the greateſt magnitude: And this [without comparing David to Jacob Crabb, or Jacob Crabb to David, as ſome with egregiouſly wiſe heads have conceived] he exemplified (in a manner ſo awful and affecting as actually convulſed ſome of his aſtoniſhed audience with delight) in the moral hiſtory of that beſt and holieſt of kings, by whoſe divine aſpirations, breathed in him by the ſpirit of the Holy One, the very church of Chriſt is to this day, and to the world's end will be, charmed and edified, and who, notwithſtanding his offences, was, as much as could be, "the man after God's own heart," and was pronounced to be ſo by infinite juſtice and holineſs itſelf, by the moſt juſt and righteous God himſelf, who knew and chaſtiſed his tranſgreſſions, but knew alſo the bottom of his heart, that he would repent, and turn, and be forgiven. Such, too, is the wiſe and merciful diſpoſition of our Engliſh law, which profeſſes to have the ſcripture for its pattern, and for its baſis, and from that ſacred code to derive whatever is or can be in itſelf, good, or juſt, or politic. Except in deſperate and irreclaimable caſes, our law chaſtiſes, not cruelly to oppreſs and torment, but for example and reformation. Like the great Pater Familias of the whole community, like the Univerſal Father of us all, whom ſhe loves ſhe chaſtens, and chaſtens only in token of her love. For whatever offence the law corrects, not to make men outcaſts from ſociety, when, after the term of puniſhment, ſhe herſelf ſends them again into it with her own recommendation and title to the rights and comforts of ſociety: She ſends them back again,

to

to live as men among their fellows, as having paſſed through the furnace, and ſo as purged from their offences, which ſhe remembers no more, to puniſh them. For elſe, what this information charges upon theſe defendants, would be the offence of the law itſelf againſt itſelf and againſt the community, in returning thoſe to the rights and fellowſhip of ſociety, whom ſhe herſelf did not judge worthy of them.

And, therefore, ſo far from rejecting true and honeſt atteſtations to the general character and behaviour of perſons a ſecond time convicted of an offence againſt her, the law of England invites ſuch atteſtations, and takes them moſt humanely and gladly into account, as far as by herſelf is deemed expedient, as extenuations of the offence, and even as circumſtances warranting her own proceedings before in returning ſuch perſons to ſociety. And ſo far, even for offences of a more ſerious nature, is the law of England from being haſty in damning away the character of a man, that though the duelliſt who ſlays his antagoniſt, is moſt certainly a murderer, yet the jury may find their verdict for manſlaughter; nor is that verdict limited only to the firſt inſtance of ſuch a crime. While in other countries, in almoſt all but this, the law will take cognizance only of the fact, as it is actually committed, and proceed immediately, on conviction of that, to the vengeance that awaits it, without any conſideration or reſpect to the circumſtance of character; in England ſhe liſtens with ſatisfaction and compaſſion to whatever extenuation can be pleaded, only reſerving to herſelf the wiſdom and diſcretion of weighing it. Her prerogative in this being entire; ſhe requires no more than that men ſhould bow to her determinations, by ſubmitting their wills and actions to them. Over their judgments ſhe claims no power, to bend them too into a conformity with her own; a power which men cannot always exerciſe even over themſelves, nor ever rightly, but in proportion as they recur to the means of information. And when they have, or think they have, their judgements rightly informed, the law of England not only allows them, on all occaſions, the peaceable enjoyment of their own charities and opinions, however contrary to her own, but will in criminal caſes take them moſt mercifully into contemplation, as far as to her own wiſdom ſhall ſeem convenient, to aid and aſſiſt her in the execution of juſtice. This is the temper of our law: or, ſaid he, "If I do not think ſo, may I this moment depart from the practice of the law, and from the world together!"

After his lordſhip's remarks, the jury preſently returned their verdict NOT GUILTY, to the great ſatisfaction of a very crowded court, that ſoon diffuſed itſelf throughout the town and neighbourhood. Many gentlemen, ſome of the firſt reſpectability, appeared in teſtimony of the exceeding good characters

of Meſſrs. Fitze, Borrow, and Adams, as men of the ſtricteſt honour and veracity.

In his return to London Mr. Erſkine paſſed through Liſkeard, and was met near a mile therefrom by the inhabitants with loud and repeated demonſtrations of joy and gratitude. At their earneſt requeſt, he ſubmitted to be drawn in his carriage, together with his ſon and Mr. Joſeph Childs, the defendants' ſolicitor, into the town by the inhabitants; where he was received with louder acclamations, ringing of bells, and illuminations. And there too

———Ηδυεπης αναρσε
Τε γαρ απο γλωσσης μελιτος γλυκιων ρεεν αυδη*

HOM.

For there, from the window of the King's Arms Inn, he thanked the inhabitants for the attention and affection they had ſhewn him, and gave them the very beſt advice, and brought them the very beſt of tidings. Honeſt, he ſaid, he knew they were; for their joy on that occaſion ſufficiently evinced it: he prayed them too to be ſober and peaceable; which, if they were, they would not be without good men to befriend them, nor good laws to protect them. As Corniſhmen, he particularly exhorted them to think on their illuſtrious and royal duke, and to love him, for his highneſs loved them, and while he lived, would make their happineſs and the nation's to be his own. He approved and admired the ſenſe they had ſhewn of the importance of that day's queſtion at the bar; and paſſed much encomium on the very able and judicious manner in which Mr. Joſeph Childs, the ſolicitor, had conducted the defence.

* Words ſweet as honey from his lips diſtilled. Hom.

DESCRIPTION *of a* TURKISH DINNER.

[From Willyams's Voyage up the Mediterranean.]

CAPTAIN HALLOWELL was invited to dine with the bey, and ſent for me to be of the party; but unfortunately I had ſtrolled into the ſuburbs. As the ſcene would have deſerved the pencil, I have reaſon to regret my abſence from the repaſt, though in other reſpects my loſs was not great. I ſhall beg leave to give a deſcription of it as it was related to me: the gueſts ſat down on the floor round a ſmall table or ſtand, about two feet high, on this was placed a large circular metal diſh, which was heaped up with a pillau, conſiſting of boiled mutton, fowls, and rice; having no knives or forks, they inſtantly proceeded to pull the joints to pieces with their fingers, cramming their

their mouths with eagerneſs, and then offering a piece they had torn off to their gueſts. As ſoon as they had ſatisfied their hunger they all got up and returned to their ſofas, and their places were taken by the domeſtics, who ſoon finiſhed what their maſters had left, and were then ſupplied with a ſort of pudding like pancakes, which they in like manner tore in pieces and devoured. In ſhort, a Turkiſh repaſt is by no means agreeable to an Engliſh palate: beſides which the only beverage is water. As ſoon as the higher orders had dined, they were ſupplied with pipes and coffee, with which, in a torpid ſtate, they paſſed the reſt of the evening.

CHARACTER *of* JACOB BRYANT.

By the Author of The Purſuits of Literature.

NO man of literature can paſs by the name of Mr. Bryant without gratitude and reverence. He is a gentleman of attainments peculiar to himſelf, and of claſſical erudition without an equal in Europe. His whole life has been ſpent in laborious reſearches, and the moſt curious inveſtigations. He has a youthful fancy and a playful wit; with the mind, and occaſionally with the pen, of a poet; and with an eaſe and ſimplicity of ſtyle aiming only at perſpicuity, and, as I think, attaining it. He has contended in various fields of controverſy with various ſucceſs; but always with a zeal for truth and a ſoberneſs of inquiry. In ſpeaking of Mr. Bryant, I have no neceſſity, as I too often have, to qualify my commendations. He has lived to ſee his eightieth winter (and may he yet long live) with the eſteem of the wiſe and good; in honourable retirement from the cares of life; with a gentleneſs of manners, and a readineſs and willingneſs of literary communication ſeldom found. He is admired and ſought after by the young, who are entering on a courſe of ſtudy; and revered, and often followed by thoſe who have completed it. Above all, he has gone forth in the ſtrength imparted unto him, in defence of the holy law made and given by God; he has put on the panoply from above, and having enlarged his mind and ſanctified his ſtudies, he may expect with humble confidence the conſummation of his reward.

Nomen in exemplum ſero ſervabimus ævo.

A REFLECTION.

TO love peace, to do good, and to be content with a little, is paradiſe upon earth.

AN ANECDOTE.

THAT celebrated circumnavigator, Captain Cook, when a boy, was apprenticed in the ſmall town of Steers, in Yorkſhire, to what is termed a general ſhopkeeper. It happened one day, that a young woman purchaſed an article at this ſhop, and in payment offered a ſhining new ſhilling. The maſter of the ſhop, having ſeen the girl pay this new ſhilling, and not finding it among the caſh in the till, accuſed young Cook of purloining his property. Our young hero, indignant at this charge upon his probity, ſaid it was falſe; that the new ſhilling certainly was in his pocket, but that he had replaced it by another. Unable, however, to brook his maſter's accuſation, he the next day ran away, went to ſea, and from this ſimple circumſtance the world is indebted for his great diſcoveries as a navigator, which have greatly endeared his memory to his countrymen, as well as to all others who ſtudy navigation.

A HINT *to* GENTLEMEN *of* FORTUNE.

THE maſter of a family, in order to render his houſe during his life the manſion of happineſs, muſt not only fill it with ſplendid furniture, adorn it with the elegant productions of art, and ſupply it with the variety of a luxurious table, but muſt alſo make innocence, peace, and love, his conſtant gueſts. In order to ſecure the happineſs of his children after his death, he muſt do more for them than merely provide them with the means of living in eaſe and ſplendour; he muſt give them thoſe good principles and virtuous habits which will ſecure them againſt the faſcinations of folly and the ſeductions of vice; he muſt give them, by a courſe of ſteady culture and diſcipline, the capacity of intellectual and moral enjoyment; he muſt give them, by the mild but commanding influence of example, a love of order, a habit of induſtry, a power of ſelf-controul, and, above all, a diſpoſition to find their own higheſt happineſs in making others happy.

A QUESTION, *by M. Dalton, Teacher of Trelington.*

A Gentleman in my vicinity has a garden in the form of a plane-triangle, the ſide of which is 32 yards, and the $\angle$ included between the baſe and the ſaid ſide is $33^{\circ}\ 8'$, and the difference between the baſe and the other ſide is 21 yards. Hence from theſe data, the area of the garden may be determined, and is hereby required, with the analytical inveſtigation of the ſame.

Anſwer, by E. Moon, of Exeter, to R. Berry's Enigma, inſerted July 19.

THE enigma I will now reveal,
The letter *N* you did conceal.

Anſwer, by R. Bellows, to Juvenis's Enigma, inſerted July 26.

RELIGION bears the ſpirits up,
When ſinking faſt in death;
And makes diſſolving nature ſmile,
When yielding up her breath.

☞ We have received the like anſwer from W. Strong, and J. Squance, of Exeter; W. England, of Dorcheſter; W. Mann, and W. Bickham, jun. of Aſhburton; and J. Paſcal, of Briſtol.

Anſwer, by J. Lewis, of Poole, to T. Adey's Rebus, inſerted July 26.

THE initials join'd to light will bring,
ASA who was a Jewiſh king.

☞ We have received the like anſwer from J. Callaway, of Stalbridge; Recluſe, of Awliſcombe; W Strong, and Henry Humphreys, of Exeter; J. Sweetman; R. Maffett, of Saltaſh; Walter Bickham, jun. of Aſhburton; J. Tremlett, of Newton Abbott; and J. Paſcal, of Briſtol.

A REBUS, *by J. Tremlett, of Newton Abbot.*

AN iſland, in the Ægean ſea, firſt find;
Sagacious bards, a river call to mind;
To name my third Monetius' ſon ſelect;
And for my laſt a point of wind detect:
Join the initials, you a bard will name,
Whoſe num'rous works deſerve immortal fame.

A REBUS, *by T. Adey, of Poole.*

A Well-known fiſh you firſt will find;
An uſeful thing then bring to mind;
A ſinging bird you'll now deſcry;
A title next of the Moſt High;
A name of Cupid now ſelect;
A river for my laſt detect:
The initials join'd you may then view,
A luſcious fiſh, and ſo adieu.

A REBUS, *by C. Mackey.*

AN Engliſh river firſt pray tell;
An Engliſh fruit that's known full well;
An Engliſh coin you'll next propound;
An Engliſh title muſt be found;
An Engliſh town ſhould now appear;
An Engliſh hero's name revere;
An Engliſh county forms the rear
The initials now together frame—
'Twill make an Engliſh general's name.

POETRY.

For the WEEKLY ENTERTAINER.

Lines written by a young Lady on seeing the foundation Stone laid of the centre House of Colleton Crescent, in Exeter, begun September 3, 1802.

DID I from warm imagination's aid,
Behold the founding-stone in order laid?
Did fancy to the mental eye display
A noble crescent? Yes! but this bright day
Brings sweet reality! The vision clears,
And thus she speaks, while admiration hears!

"Hail Colleton! what prospects from thy scite!
"The ravish'd eye here wanders with delight!
"Recorded Ex below thee winding flows,
"And the fair country round with verdure glows;
"Commerce secure thy situation hails,
"And in thy view she fails her welcome fails.
"Beyond thee hills, which tow'ring plantings crown,
"Behold rich vales, and Exon's classic down!
"See village churches their white tops display,
"Now brighter made by Sol's enliv'ning ray!
"Here farms and rustic labour's clean retreats,
"There villas, mansions, and capacious seats!
"All these, fair Colleton, in vary'd form combine,
"To favour thee, taste, choice, and blooming health be thine!"

E. L. M.

The 'SQUIRE *and his* LADY.

THE worthy 'squire will be remember'd long,
The theme and pride of ev'ry cottage song;
His lady too, the patroness and friend
Of all whom merit, worth, or want commend;
Whose heart benevolent, and lib'ral mind,
Nor prejudice nor narrow views confin'd;
With grateful joy the widow heard her voice,
Which bade e'en pale infirmity rejoice;
While virtuous orphans, objects of her care,
Translated to her household, flourish'd fair.
Their well-known mansion, on the green-hill side,
O'erlook'd the village with a decent pride;
But not with pompous arrogance deterr'd
The meanest wretch that there his suit preferr'd.
Its windows catch the morning's orient glow,
And flash the colours of the varying bow;
Lilacs and jess'mines form a shrubb'ry round,
And showers of rose-leaves decorate the ground,
Shook from their stems, projecting from the bush,
By gold-bill'd blackbirds and the mottled thrush,
The cultur'd garden opposite is seen,
With shelt'ring walls, and walks for ever green;
Blossoms or fruits on every branch abound,
And gentlest breezes waft their fragrance round;

Where

Where half the village ſhar'd our grateful toils,
And youth and age partook the autumnal ſpoils.
There too the bard has rov'd, a favour'd gueſt,
While youthful tranſports warm'd his ardent breaſt.
At the laſt bell that tinkled from the hall,
The hoſpitable board was ſpread for all
Whom buſineſs brought, or ancient friendſhips led,
Secure of ungrudg'd cheer and needful bed;
Round went the mantling horn, the butler's boaſt,
Nor one refus'd to pledge the accuſtom'd toaſt,
Till each warm heart with thankfulneſs o'erflows,
And gives the tongue each ſecret that it knows.
Where now the park extends, and uſeleſs deer
Along the ſolitary glades appear,
Rich corn fields wav'd in ſpacious proſpect ſpread,
Nor felt one villager the want of bread.

Nor then the copſe its ſtore of game deny'd,
Withheld by av'rice, or ingroſs'd by pride:
Where the keen bill had clear'd the bruſhwood ſcene
Of ſprouting hazle, broom, and alder green,
When thro' the bed of ſnow the rude ſtumps ſhoot,
The peaſant trac'd the limping leveret's foot,
Or drew his net acroſs the pathway deep,
While boys and dogs perpetual clamour keep,
And rabbits, bolting from the thickeſt ſhade,
Caught in the toils, are ſtruggling captives made.

The PARTRIDGE.

THE partridge, at the peep of early dawn,
Out of the covert of the bow'ring hedge,
Where, 'mid the moſs, and hazle leaves ſhe ſlept,
With watchful eye, and liſt'ning ear, invites
Her offspring to purſue her wary ſteps,
As o'er the ſtubbled field ſhe takes her way
To pick a breakfaſt from the ſcattered grain:
And, if the ſound of either man or dog
Be nigh, with ſilent ſpeed extends her wings,
To ſhelter them from evils that approach.
If ſilence fail to ſhield them from the foe,
With flutt'ring wings ſhe upwards boldly ſprings,
Warns them to hide from the ſurrounding harm,
Beſide the ridges of the furrow'd ground.
Indulgence mild! Sweetly maternal care!
So does the parent treat her infant child;
Guards when he ſleeps, inſtructs him when he wakes;
Cautions his feet 'gainſt ev'ry latent ſnare;
And for her love expects obedience meet.

On FRIENDSHIP.

WHEN friendſhip's ſacred ſympathies inſpire,
Who can reſiſt the muſe's kindling fire?
Friendſhip! thou deareſt bleſſing Heaven beſtows,
Balm of all care, and ſoftener of our woes;
I at thy ſhrine my willing tribute pay,
And to thine honour conſecrate my lay;
Thy form is lovely, and thy fruit divine,
For love, and peace, and joy, and truth are thine;
And kindred ſouls, who feel this gen'rous flame,
Enjoy a fund of bliſs that wants a name.